

**2012 CONFLICT OF INTEREST CODE
BIENNIAL REVIEW REPLY FORM**

2012 SEP 4 PM 4 53

Contact Person: Karen Landers Telephone Number: (619) 557-4512

THOMAS J. PASTUSZKA

CLERK OF THE BOARD

OF SUPERVISORS

Name of Agency: Metropolitan Transit System

Mailing Address: 1255 Imperial Avenue, Suite 1000, San Diego, CA 92101

This agency has reviewed its conflict of interest code and has determined that:

X Amendments are necessary: (Attach Amended Code)
(Check all that applies)

☒ Include new positions (including consultants) which must be designated

☒ Revise the titles of existing positions

☒ Delete titles of positions that have been abolished

☐ Delete positions that manage public investments

☐ Revise disclosure categories

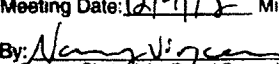
☒ Other include language provided by FPPC to help clarify requirements.

☐ **No amendments are necessary.** Our agency's code accurately designates all positions which make or participate in the making of governmental decisions; the disclosure assigned to those positions accurately requires the disclosure of all investments, business positions, interests in real property and sources of income which may foresee-ably be affected materially by the decision made by those designated positions; and the code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer:  Date: 8/31/12

You must complete this report regardless of how recently your code was approved or amended. **Please return this report no later than October 1, 2012 to:**

**Clerk of the Board of Supervisors
(Conflict of Interest Code)
1600 Pacific Highway, Room 402
San Diego, CA 92101**

Approved and/or authorized by the Board of Supervisors of the County of San Diego.	
Meeting Date: <u>12/4/12</u>	Minute Order No. <u>20</u>
By: <u></u>	Date: <u>12/14/12</u>
Deputy Clerk of the Board Supervisors	



Metropolitan Transit System

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 OCT 22 PM 4 43

THOMAS J. FADINSZKA
CLERK OF THE BOARD
OF SUPERVISORS

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

October 18, 2012

LEG 450

Clerk of the Board of Supervisors
(Conflict of Interest Filings)
1600 Pacific Highway, Room 402
San Diego, CA 92101-2471

Dear Clerk of the Board of Supervisors:

Enclosed you will find the Amended 2012 Conflict of Interest Code for the San Diego Metropolitan Transit System approved by the Board of Directors on October 18, 2012, Resolution 12-15.

Please contact me directly at (619) 557-4515 with any questions or concerns.

Sincerely,

Valerie Vizkeleti
Executive Assistant to CEO
Clerk of the Board

Encl. Resolution No. 12-15

cc: General Council, Karen Landers



COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

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THOMAS J. VIZKELETI
CLERK OF THE BOARD
OF SUPERVISORS

I HEREBY CERTIFY that this
is a full, true, and correct copy of a
DOCUMENT of the San Diego
Metropolitan Transit System (MTS).
Passed and adopted by the Board of Directors.

Valerie Vizkeleti
Valerie Vizkeleti, Clerk of the Board

SAN DIEGO METROPOLITAN TRANSIT SYSTEM OF SAN DIEGO
BOARD OF SUPERVISORS
RESOLUTION NO. 12-15

2012 OCT 22 PM 4 48

A Resolution of the Board of Directors of the San Diego Metropolitan Transit System Adopting
An Amended Conflict of Interest Code Pursuant to the Political Reform Act of 1974

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the San Diego Metropolitan Transit System ("MTS") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in MTS being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was last amended on September 23, 2010, in compliance with the Act; and

WHEREAS, subsequent changed circumstances have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update MTS's Code; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Conflict of Interest Code was provided each designated employee and publicly posted for review at the offices of MTS; and

WHEREAS, a public meeting was held upon the proposed amended Conflict of Interest Code at a regular meeting of the Board of Directors on October 18, 2012, at which all present were given an opportunity to be heard on the proposed amended Conflict of Interest Code.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

SECTION 1. All previous Conflict of Interest Codes adopted by the Board of Directors are hereby rescinded.

SECTION 2. The Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the General Counsel and available to the public for inspection and copying during regular business hours.

SECTION 3. The said amended Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval.

SECTION 4. The said amended Conflict of Interest Code shall become effective 30 days after the Board of Supervisors approves the proposed amended Code as submitted.

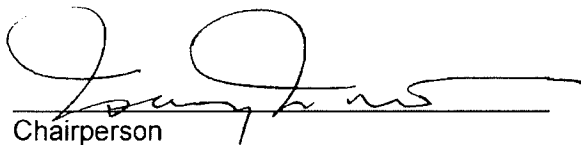
PASSED AND ADOPTED, by the Board of Directors this 18th day of October 2012
by the following vote:

AYES: Alvarez, Bragg, Castaneda, Cunningham, Ewin, Emerald, England, Gloria,
Mathis, McClellan, Minto, Young, and Zarate

NAYS:

ABSENT: Ovrom and Roberts


ABSTAINING:




Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:



Clerk of the Board
San Diego Metropolitan Transit System
System



Office of the General Counsel
San Diego Metropolitan Transit

Attachment: Amended Conflict of Interest Code

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS

2012 OCT 22 PM 4 43

THOMAS J. F. ALLEKA
CLERK OF THE BOARD
OF SUPERVISORS

CONFLICT OF INTEREST CODE

OF THE

**SAN DIEGO METROPOLITAN
TRANSIT SYSTEM**

CONFLICT OF INTEREST CODE
OF THE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM

(Amended September 20, 2012)

COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
2012 SEP 24 4 48
THEODORE J. KRA
CLERK OF THE BOARD
OF SUPERVISORS

The Political Reform Act, (Government Code Sections 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) that contains the terms of a standard model conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories shall constitute the conflict of interest code of the **San Diego Metropolitan Transit System (MTS)**.

All officials and designated positions shall file their statements of economic interests with MTS's **General Counsel** as MTS's Filing Officer. The **General Counsel** shall make and retain a copy of all statements filed by Members and Alternates of the Board of Directors, Chief Executive Officer and the Chief Financial Officer, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The **General Counsel** shall retain the originals of the statements filed by all other designated positions. The **General Counsel** will make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code Section 81008).

APPENDIX

CONFLICT OF INTEREST CODE OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM

(AMENDED SEPTEMBER 20, 2012)

EXHIBIT "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

MTS Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to MTS's Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Board of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Assistant/Copy Center Coordinator	4
Advertising Specialist	5
Applications Development Manager	5
Assistant Store Manager	5
Assistant Technology Officer	5
Assistant Transportation Operations Specialist	2, 5
Budget Manager	1, 2
Business Systems Analyst	5
Buyer	4
Chief of Staff	1
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Chief Technology Officer	5
Communications Design Manager	5
Communications Designer	5
Contract Services Administrator	5
Controller	1, 2
Deputy Director – Transit System Security	5
Director of Financial Planning & Analysis	1, 2
Director of Human Resources and Labor Relations	5

LAW OFFICES OF
BEST BEST & KRIEGER LLP

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of Maintenance	5
Director of Marketing & Communications	5
Director of Planning	1, 2
Director of Scheduling	5
Director of Transportation	1
Facilities Manager	5
General Counsel	1, 2
Human Resources Supervisor	5
Internal Auditor	4
Liability Claims Adjuster	1, 2
Manager of Capital Projects	1, 2
Manager of Claims and Liability	1, 2
Manager of Human Resources	5
Manager of Marketing	5
Manager of Procurement	4
Manager of Real Estate Assets	1, 2
Materials Manager	4
MTS Chief of Police/Director of Security	5
Network Operations Manager	5
Procurement Specialist	4
Regulatory Enforcement Supervisor	6

LAW OFFICES OF
BEST BEST & KRIEGER LLP

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Revenue Maintenance Supervisor	5
Revenue Manager (ALL)	5
Right-of-Way Agent	1, 2
Right-of-Way Engineer	1, 2
Senior Transit Operations Specialist	5
Senior Transportation Planner	1, 2
Superintendent of LRV Maintenance	5
Superintendent of Transportation	5
Superintendent of Wayside Maintenance	5
Systems Engineer	1, 2
Taxicab Administration Manager	5
Transit Services Administrator	2, 3, 5

Consultant and New Positions²

² Individuals serving as a Consultant defined in Regulation 18701, or in a new position created since this Code was last amended that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Chief Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

EXHIBIT "B"

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of MTS.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of MTS.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of MTS.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by MTS.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the designated position's department, unit or division.